

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Francis E. Nano

Art Unit: 1652

Application No.: 10/049,582

CERTIFICATE OF MAILING

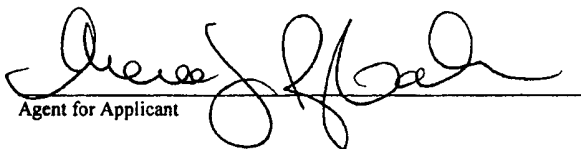
Filed: February 13, 2002

For: USE OF PSYCHROTROPIC
BACTERIUM IN BIOTECHNOLOGY
APPLICATIONS

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on October 24, 2002 as First Class Mail in an envelope addressed to: ATTN: REFUND SECTION, ACCOUNTING DIVISION, OFFICE OF FINANCE, COMMISSIONER FOR PATENTS, Washington D.C. 20231.

Examiner: Not yet assigned

Date: 10/24/2002


Agent for Applicant

REQUEST FOR REFUND
UNDER 37 C.F.R. § 1.26

ATTN: REFUND SECTION, ACCOUNTING DIVISION, OFFICE OF FINANCE
COMMISSIONER FOR PATENTS
Washington D.C. 20231.

In accord with the Patent Office notice of January 20, 1983 (1027 TMOG 14), Applicant hereby requests a refund.

The amount of \$920.00 was charged to Applicant's agent under Deposit Account 02-4550 on August 29, 2002 as shown on the attached Monthly Statement of Deposit Account (Exhibit A). It appears that this amount was charged as a three-month extension (large entity).

Applicant received a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (the "Notification") dated April 16, 2002 (Exhibit B).

Applicant file a timely response (the "Response") to the Notification on April 24, 2002 (Exhibit C).

Adjustment date: 04/11/2003
08/29/2002 WALLACE 00000005 024550 10049582
01 FC:117 920.00 CR

Applicant then received a Notification of Defective Response dated July 23, 2002 (Exhibit D) stating that the computer-readable form submitted by Applicant with the Response was found to be damaged.

Applicant filed a timely response to the Notification of Defective Response on July 30, 2002 (Exhibit E).

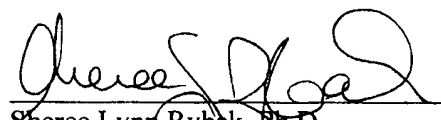
Since Applicant filed timely responses to both the Notification and the Notification of Defective Response, and since damage to the computer-readable form was beyond Applicant's control, Applicant should not be required to pay a three-month extension fee. Applicant therefore requests a refund in the amount \$920.00 for the three-month extension fee. Furthermore, Applicant is a small entity.

Please mail the refund to the undersigned agent, or credit the refund to our Deposit Account No. 02-4550. A copy of this document or paper is enclosed.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Sheree Lynn Rybak, Ph.D.
Registration No. 47,913

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 226-7391
Facsimile: (503) 228-9446

cc: Docketing